

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN CALDERON,

Plaintiff,

v.

ROB BONTA, et al.,

Defendants.

No. 2: 23-cv-1064 WBS KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On August 28, 2023, the court dismissed this action and judgment was entered. (ECF Nos. 16, 17.) Plaintiff appealed the judgment to the Ninth Circuit Court of Appeals. (ECF Nos. 18, 19.)

On October 13, 2023, the Ninth Circuit referred this action to this court for the limited purpose of determining whether plaintiff's in forma pauperis status should continue for the appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous). (ECF No. 23.)


For the reasons stated in the magistrate judge's August 3, 2023 findings and recommendations (ECF No. 12), this court finds that plaintiff's appeal is frivolous.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's in forma pauperis status is revoked because the appeal is frivolous; and
2. The Clerk of the Court is directed to serve this order on the Ninth Circuit Court of Appeals.

Dated: November 16, 2023

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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